

Summons in a Civil Action (Rev 11/97)

FILED

## United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIALEONARDO B. CRUZ, JR.  
Plaintiff

vs

WMC MORTGAGE CORP  
LITTON LOAN SERVICING,  
HOMEQ SERVICING, TD SERVICE  
COMPANY AND DEUTSCHE BANK  
NATIONAL TRUST COMPANY

Defendants

BY Vinit DEPUTY  
SUMMONS IN A CIVIL ACTION

Case No.

08 CV 1157 BEN NLS

TO: (Name and Address of Defendant)

TD SERVICE COMPANY

1820 E 1ST STREET #210  
SANTA ANA, CA 92711-1988

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

LEONARDO B. CRUZ, JR., 2541 Calle Tres Lomas S.D. CA 92139 619/216-4627

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JUN 30 2008

W. Samuel Hamrick, Jr.

DATE

CLERK

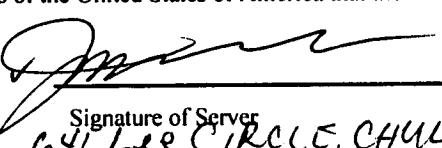
By

Deputy Clerk

K. HAMMERLY

Summons in a Civil Action

Page 1 of 2

RETURN OF SERVICE			
Service of the Summons and Complaint was made by me	DATE <u>07/01/08</u>		
NAME OF SERVER <u>CATHERINE RHODES</u>	TITLE <u>PRIVATE PROCESSOR</u>		
Check one box below to indicate appropriate method of service			
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>TD Service Company, 1820 E. 1st STREET, #210 SANTA ANA CA 92711</u>			
<input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:			
Name of person with whom the summons and complaint were left: <u>Patricia A. Randall</u> ✓ Return unexecuted: <u>3:10 pm - V.P.</u>			
Other (specify):			
STATEMENT OF SERVICE FEES			
TRAVEL 1. <u>30 MINS</u>		SERVICES	TOTAL \$0.00 <u>✓ 25.</u>
DECLARATION OF SERVER			
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.			
Executed on: <u>July 1, 2008</u>	Date	 <u>Signature of Server</u> <u>641 Lee Circle, CHULA VISTA, CA 91911</u>	
Address of Server			
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE			
<b>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</b>			
<b>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</b>			
<b>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</b>			

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

LEONARDO B. CRUZ, JR., Pro Se )  
Plaintiff )  
TD SERVICE COMPANY )  
Defendant )

Case No. '08 CV 1157 BEN NLS

**DECLARATION OF SERVICE**

Person Served: CATHERINE RHODES  
Date Served: JULY 1, 2008

I, the undersigned declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; that I served the above named person the following documents:

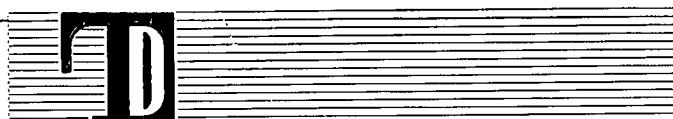
AND MOTION FOR EX-PARTE TEMPORARY RETAINING ORDER

in the following manner: (check one)  
verified complaint

- 1)  By personally delivering copies to the person served.
- 2)  By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. CERTIFIED MAIL
- 3) By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left.
- 4) By placing a copy in a separate envelope, with postage fully prepaid, for each address named below and depositing each in the U.S. Mail at  
on . 20

Executed on July 1st, 2008 at SANTA ANA, CA 92711

✓ JR



T. D. Service Company

Patricia Randall  
Vice President/Operations

1820 E. First Street, Suite 210, Santa Ana, CA 92705  
(714) 480-5630 • (800) 843-0260 • Fax (714) 541-4130  
prandall@tdsf.com [www.tdsf.com](http://www.tdsf.com)